

Regional Tribal Operations Committee Meeting  
U.S. EPA Region 5  
December 13, 2005

**Meeting Participants**

John Haugland, EPA IEO	Bharat Mathur, EPA ORA
Stan Ellison, Shakopee-Dakota	Michael Tenenbaum, Gun Lake
Lisa Farmby, EPA IEO	Norman Niedergang, EPA RMD
Margaret Guerriero, EPA WPTD	Paulette Foreste, EPA IEO
Steve Rothblatt, EPA ARD	Bert Frey, EPA ORC
Mark Parrish, Pokagon Potawatomi	Darin Steen, Bois Forte
Tony Carollo, EPA WD	Rachel Schwarz, LTBB Odawa
Rick Karl, EPA SF	Michael Finney, Oneida Tribe
Don de Blasio, EPA OPA	Kelley Moore, EPA SF
Jane Neumann, EPA SF	Dan Cozza, EPA WD
Ed Fairbanks, EPA IEO	Steve Dodge, EPA IEO
Jennifer Manville, EPA IEO	Vicki Thomas, EPA GLNPO
Dwight Sargent, Inter-Tribal Council of MI	Mark Elster, EPA GLNPO
Sharon Teeple, Inter-Tribal Council of MI	L. John Lufkins, Inter-Tribal Council of MI
Andy Knott, Grand Traverse Band	

**Welcome and Introductions**

Ellison welcomed everyone to the meeting. Introductions were made. Mathur apologized for Regional Administrator Skinner's absence, indicating that he had a scheduling conflict.

**Presentation of the Taimi Hoag Award for Environmental Stewardship**

On behalf of the RTOC, the 2005 award was presented to Dwight Sargent of the Inter-Tribal Council of Michigan (ITCM). Ellison explained that the Award was established by the RTOC Tribal Caucus to recognize the accomplishments of Taimi Hoag, the former Environmental Director of the Little Traverse Bay Bands. Sharon Teeple, Executive Director of the ITCM, indicated that Sargent deserves the Award and has produced results for the tribes in Michigan. Lufkins added that Sargent is a steward of the environment.

Mathur outlined a list of accomplishments that the RTOC Tribal Caucus considered when making their selection for the Award.

“Since 1991, Dwight Sargent has worked for the Inter-Tribal Council of Michigan, and currently serves as the Environmental Services Manager of the Health Services Division. Over the past 14 years, Dwight has been instrumental in the development of environmental management programs for Indian Country in Michigan, working with the majority of the federally-recognized tribes in Michigan to identify their initial environmental protection priorities and develop programs to address those issues.

Dwight has assisted the tribes to address a wide range of environmental threats, including the closure of open dumps and development of alternative solid waste management practices; development of source water protection programs to ensure safe and available drinking water for tribal needs; identification and mitigation of radon in residential housing; and implementation of an innovative air quality monitoring program for the eastern Upper Peninsula that has been integrated with similar efforts by the State of Michigan and Environment Canada.

Dwight has advanced environmental protection in Indian Country through initiating the development of the Michigan Tribal Environmental Group and working with U.S. EPA to establish the tribal environmental agreement process in Michigan. He also served as the Region 5 tribal representative to the National Tribal Air Association.”

Sargent indicated that he had known Taimi well and he was honored to receive the Award.

### **RTOC Administrative Business and Updates**

Haugland stated that the meeting minutes from the September 22, 2005 meeting were included in the meeting packet. No additional changes were offered and the minutes were approved.

Haugland reviewed the two items on the RTOC Tracking Matrix. The first item concerned identifying tribal strategic themes and is included later on this agenda. The second item addressed working with the Department of Homeland Security on emergency planning. The Indian Environmental Office (IEO) has made initial contacts with FEMA and is attempting to include the issue on the agenda of the March 2006 General Assistance Program (GAP) conference.

Haugland raised the issue of changing the date of the March 2006 RTOC meeting to the afternoon of March 02, 2006, in order to better coincide with the annual GAP Conference. There was no objection from the RTOC. Haugland reported that there will likely be new Tribal Caucus representatives from Wisconsin at the March RTOC. Dodge indicated that there has been a conference call with the tribal environmental staff in Wisconsin and the tribes are considering a number of possible candidates.

Dodge reported that plans are underway for the June RTOC meeting. The U.S. EPA research vessel, the Lake Guardian, will be on Lake Superior at that time and the IEO has been coordinating with the Red Cliff Band to host the meeting. The meeting will likely be scheduled for the May 30-31 timeframe and will include a tour of the ship and a Great Lakes tutorial by the Great Lakes National Program Office.

Haugland submitted a proposal to the RTOC to reduce the number of meetings each year from four to three. Two of the meetings would be held in Indian Country and one in Chicago. Mathur added that this proposal is part of a two-pronged attempt to make the meetings more effective and substantive. The number of meetings would be reduced and more effort would be devoted to making the agendas and discussions meaningful.

Ellison responded that the Tribal Caucus considered this issue during their morning meeting and is open to the concept. The March meeting should be maintained because of its coordination with the annual GAP conference. The Tribal Caucus would like the RTOC to consider having an annual meeting with state agencies. If the number of meetings is reduced to three, the Tribal Caucus would likely schedule a meeting/conference call on its own to discuss issues.

The annual schedule of three meetings would include a March meeting in Chicago with the annual GAP Conference, a meeting in Indian Country in the June/July timeframe, and a meeting in Indian Country in early November. The Indian Environmental Office (IEO) will (1) review the RTOC Charter for any necessary amendments to the meeting schedule (as well as any other revisions that may currently be necessary); and (2) gather information from other Regions on their RTOC operations, as a reference point for content discussions. IEO will report back at the March RTOC. The Tribal Caucus was requested to consider suggestions about how to better structure the meetings.

## **Tribal Planning Discussions**

### **a. EPA's Reservation-Specific Compendium of Activities**

Mathur referred to two examples of the individual tribal abstracts that were included in the meeting packet, and explained that for the first time there is one document that outlines the environmental needs, issues, problems for each reservation. Mathur raised two questions to the RTOC: (1) can the document be shared with anyone that requests a copy, and (2) how should the document be used to improve the tribal program.

Ellison responded that from Shakopee's point of view, it is fine to share the document but the tribe would like an opportunity to fix some of the information first. He would also like to see information included in the abstract that relates to work funded by other federal agencies or the tribe itself. He further suggested that some tribes may not want to have this information shared and the Agency should consider allowing those tribes to opt out.

Mathur asked the Tribal Caucus to help him better understand the concern of sharing the information in the abstracts. Tenenbaum indicated that there is a serious concern about identifying cultural and spiritual sites. Dodge stated that Wisconsin tribes have had historical concerns about outlining future intentions for program development and pursuing treatment-as-state because of fears of tipping their hands too early.

Ellison was interested in seeing "the good, the bad, and the ugly" in the abstracts. He wants to know if there are any problems with the programs on his reservation. He also reported that the Tribal Caucus was curious about how Region 5 intended to use the abstracts. Mathur responded that Region 5 would likely use the documents to prioritize, plan, and target activities and resources for work in Indian Country. Steen asked about the reaction from Division Directors as the abstracts were developed. Mathur indicated that there has been no internal discussion on the use of abstracts. Mathur raised the possibility that the abstracts could be the basis for annual

commitments and tracking what was accomplished this year in Indian Country.

Schwarz raised the concern that these documents not necessarily be a way to cut funding, but to help shift it to the most appropriate activities. Mathur concurred.

Mathur asked Frey to give some additional thought to the legal issues surrounding protecting information in the abstracts. Would it be possible to share the abstracts with individual tribes to simply correct and add information? Frey indicated that it may be advisable to have a verbal discussion to correct any information.

The RTOC agreed that Region 5 should converse with each of the tribes to determine if they want to review their abstracts and to discuss their particular privacy concerns. Region 5 will have an internal discussion on possible uses and its relationship to other Indian Program planning tools.

#### **b. Tribal Caucus Strategic Environmental Themes**

Ellison stated that a list of the strategic themes from the Michigan and Minnesota tribes were included in the meeting packet. The EPA Strategic Plan did not address tribal priorities and the Tribal Caucus requested that these strategic themes be included in the national and regional planning process. Dodge reported that the tribes in Wisconsin are working on developing their strategic themes. The RTOC decided to proceed as follows: (1) obtain the Wisconsin strategic themes; (2) Tribal Caucus would work to merge the three submittals into one consolidated list to share prior to the next RTOC; (3) once consolidated, EPA Division Directors would hold an internal discussion of tribal themes and their overlap with EPA; (4) IEO would gather together a small group of Region 5 and tribal representatives to identify existing groups that are already working on each specific theme, and draft a process for moving forward on the identified themes prior to the March RTOC.

One likely strategic target of high value or opportunity was discussed in some detail – The Need for Standard Formats for TAS and Permitting Applications in Indian Country. This issue was described as a bureaucratic clog, not a statutory or regulatory issue. Therefore, it is something that can be addressed regionally. Tribes want a standard application format that explains explicitly what should be provided and in what format and level of detail, when submitting a TAS application. The same need exists for permit applications. Standard forms existing in some programs for state permits can be coupled together with a growing number of tribal examples to enable EPA to put standard forms together as unofficial guidelines. The RTOC agreed to form a small group for this specific issue, to include program, tribal, and ORC representatives. The workgroup will develop a scope of work and develop draft documents to share for discussion at the March RTOC.

#### **Senior-Level Federal Coordination on Tribal Issues**

Guerriero provided an update on Region 5 efforts to bring together senior managers from federal agencies and tribes to discuss overlapping responsibilities in Indian Country and leveraging financial and other assistance. Region 5 would like to utilize the May 2006 meeting of the

Midwest Natural Resource Group as a forum to get commitments from senior managers. This project started with solid waste issues and has now expanded to all media. Mathur would like to see this initiative breathe fresh air into the Multi-Agency MOU Work Group.

### **Report Out on Great Lakes Collaboration**

Tenenbaum gave a report on the December 12, 2005 summit meeting on the Great Lakes Regional Collaboration (GLRC). Thomas brought copies of the GLRC Strategy for the tribal representatives. Additional copies are being printed and the Strategy is currently available on the Internet.

### **Open Forum**

Haugland distributed copies of the draft agenda for the annual GAP Conference and asked tribal participants to suggest speaker ideas to fill in remaining time slots.

Schwarz wanted the tribes to be aware that the EPA finalized a Rule on All Appropriate Inquiry on November 01, 2005. The Rule outlines new criteria that will impact Phase 1 Contaminant Surveys that tribes prepare for placing land in trust. More stringent expiration dates are included in the Rule and the surveys must be conducted by environmental professionals. The IEO and Superfund Division will work with the BIA to discuss developing certification training for tribal staff and will report back to the tribes.

Schwarz also raised the issue of the dissolution of the Tribal Association on Solid Waste and Emergency Response (TASWER). TASWER was an organization that U.S. EPA helped to organize to provide tribes with a forum to work with the Agency on waste management issues. In 2005, the Agency removed its funding support from the organization. Guerriero will inquire how U.S. EPA intends on replacing the services provided by TASWER and where the funding that was targeted for TASWER is now being used.

Ellison indicated that tribes have heard rumors that the Agency is developing a revised guidance document for the GAP, and are concerned that there has been no notice to the tribes. Haugland will investigate with the American Indian Environmental Office (AIEO) and report back to the tribes.

Mathur confirmed that the new IEO Director is Luke Jones from the AIEO, and he will report for duty on February 05, 2006. Steen inquired about the status of filling the other vacancies in the IEO. Mathur responded that all functions in the office will be funded.

### **Next Meeting**

The next meeting of the RTOC is scheduled for Thursday, March 02, 2006, at the U.S. EPA office in Chicago.